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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,570	11/24/2003	Kenneth George Michael	13570-003	1865
1059	7590	06/28/2005	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 06/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,570

Applicant(s)

MICHAEL ET AL.

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>011504</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *solar panel assembly rotably coupled to the mounting bracket* (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (US 5,217,296) in view of Mayse (US 4,714,219) and Krogsrud (US 4,744,019).

Referring to Claim 1 Tanner et al. disclose (Fig.1) a solar powered lighting device including a lamp [10], a rechargeable battery [16] (col.3, lines 50-62) and a solar panel [14].

Tanner et al. discloses the instant claimed invention except for a mounting bracket for supporting the device and a connector arm coupled to the lamp.

Mayse discloses (Fig.1) a mounting bracket [12] attached to the wall [20]. It is understood, that the bracket can obtain any desired structure and form depending on structure of the supported device.

Krogsrud discloses (Fig.1) a lamp having a connector arm that can be removably coupled to the supporting device or surface. This structure allows to increase the adjustability of the lamp for the various positions of illumination.

Referring to Claim 2 Tanner et al. disclose (Fig.2) a reflector [94].

Referring to Claim 4 Tanner et al. disclose (Fig.1) the solar panel [14] rotably coupled to the bracket.

Referring to Claim 5 Tanner et al. discloses the instant claimed invention except for adjustment the vertical position of the connector.

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Krogsrud discloses (Fig.1) that the vertical position of the connector can be adjusted by moving the arm [14] of the connector in a vertical plane.

Referring to Claim 7 Tanner et al. discloses the instant claimed invention except for that the lamp is rotably coupled to the connector arm.

Krogsrud disclose (Fig.1) the lamp [12] rotably coupled to the connector arm [14].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tanner et al. with the supporting bracket, as taught by Mayse, for attachment, and the connector arm, as taught by Krogsrud, in order to improve adjustability of the lamp and obtain the various positions of illumination.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al., Mayse and Krogsrud, as applied to claim 1 above, and further in view of Constable (US 5,781804).

Tanner et al. discloses the instant claimed invention except for a LED charge indicator.

Constable discloses a charger circuit having a LED charge indicator to indicate fill charge of the battery (Abstract).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the LED charge indicator, as taught by Constable, in order to indicate fill charge of the battery.

Claims 8-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (US 5,217,296) in view of Krogsrud (US 4,744,019).

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Referring to claim 8 Tanner et al. disclose (Fig.1) a lighting device including a lamp [10] and a battery [16] (col.3, lines 50-62).

Tanner et al. discloses the instant claimed invention except for a connector arm coupled to the lamp.

Krogsrud discloses (Fig.1) a lamp having a connector arm that can be removably coupled to the supporting device or surface. This structure allows to increase the adjustability of the lamp for the various positions of illumination.

Referring to Claim 9 Tanner et al. disclose (Fig.2) a reflector [94].

Referring to claim 10 Tanner et al. discloses the instant claimed invention except for adjustment the vertical position of the connector.

Krogsrud discloses (Fig.1) that the vertical position of the connector can be adjusted by moving the arm [14] of the connector in a vertical plane.

Referring to Claim 12 Tanner et al. discloses the instant claimed invention except for that the lamp is rotably coupled to the connector arm.

Krogsrud disclose (Fig.1) the lamp [12] rotably coupled to the connector arm [14].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tanner et al. with the connector arm, as taught by Krogsrud, in order to improve adjustability of the lamp and obtain the various positions of illumination.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (US 5,217,296) in view of Mayse (US 4,714,219) and Krogsrud (US 4,744,019).

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Tanner et al. disclose (Fig. 1) a solar powered lighting device including a lamp [10], a rechargeable battery [16] (col.3, lines 50-62) and a solar panel [14].

Tanner et al. discloses the instant claimed invention except for a mounting bracket for supporting the device and a connector arm coupled to the lamp.

Mayse discloses (Fig. 1) a mounting bracket [12] attached to the wall [20]. It is understood, that the bracket can obtain any desired structure and form depending on structure of the supported device.

Krogsrud discloses (Fig. 1) a lamp having a connector arm that can be removably coupled to the supporting device or surface. This structure allows to increase the adjustability of the lamp for the various positions of illumination.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Tanner et al. with the supporting bracket, as taught by Mayse, for attachment, and the connector arm, as taught by Krogsrud, in order to improve adjustability of the lamp and obtain the various positions of illumination.

#### ***Allowable Subject Matter***

Claims 6, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 6, 11 the prior art fails to show a lamp having a connector arm with a wedge-shaped protrusions.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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M.T.

June 10, 2005

A handwritten signature in black ink, appearing to read 'JAW', is positioned above the printed name.

**JOHN ANTHONY WARD  
PRIMARY EXAMINER**